



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,531	07/24/2002	Donald F. Ballas	BUR920010165	8345

29154 7590 12/01/2003

FREDERICK W. GIBB, III
MCGINN & GIBB, PLLC
2568-A RIVA ROAD
SUITE 304
ANNAPOLIS, MD 21401

EXAMINER

MASINICK, MICHAEL D

ART UNIT	PAPER NUMBER
----------	--------------

2125

DATE MAILED: 12/01/2003

Handwritten mark

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/064,531

Applicant(s)

BALLAS ET AL.

Examiner

Michael D Masinick

Art Unit

2125

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-20 are pending in this application.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2, 3, 9, 10, 16, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Specifically claim 2 states "said product manager tool changes manufacturing capacity by obtaining said block of part numbers". This statement is unclear. Claim is further treated as if it read "said product manager tool changes manufacturing capacity based upon the part numbers obtained in said block of part numbers".

4. Claim 3 is rejected as based upon claim 2.

5. Claims 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. This claim is written so that it does not more narrowly define the "system" in claim 4 that it is dependant from, but adds what appears to be a business method and an interface to a tool. Because of the conflicting preambles, examiner asks that this claim be amended to further define

Art Unit: 2125

the system. Examiner treats this claim as best understood and with the same claim specifications as claims 12 and 19.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,864,875 to Van Huben et al.

3. Referring to claims 1, 6, 8, 13, and 15, Van Huben shows a system for reserving manufacturing capacity to satisfy a customer deliverable order for a product, said system comprising: a relational database tool adapted to receive said customer deliverable orders (Col. 13, lines 5-9); and a product manager tool operatively connected to said relational database tool, said product manager tool being adapted to obtain a block of part numbers from unallocated part numbers and to supply said block of part numbers to said relation database (Section 1.15 starting in Column 27), wherein said relational database tool is further adapted to automatically prepare a bill of materials to satisfy said customer deliverable order using part numbers from said block of part numbers (Col 29, lines 20-44). Examiner notes that these citations are only examples. The entire Van Huben patent reveals similar functionality in different ways.

4. Referring to claims 6 and 13, Van Huben shows wherein said bill of materials includes at least tools needed to manufacture said part ("Bill of resources" – Column 5).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 3, 9, 10, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,864,875 to Van Huben et al as shown above and further in view of U.S. Patent No. 4,827,423 to Beasley et al.

7. Van Huben does not show where the tool changes manufacturing capacity, or a customer engagement tool operatively connected to said relational database tool, said customer engagement tool being adapted to forecast a cost of, and a deliver for said product based on said bill-of-materials and said manufacturing capacity.

8. Beasley shows show where the tool changes manufacturing capacity in response to the part numbers received (Col 10, line 5 – Col 11, line 32), or a customer engagement tool operatively connected to said relational database tool , said customer engagement tool being adapted to forecast a cost of, and a deliver for said product based on said bill-of-materials and said manufacturing capacity (Col 27, line 38 – Col 28, line 20).

9. It would have been obvious to one of ordinary skill in the art to modify the manufacturing capacity and provide the predictions as to the product fulfillment as shown Beasley in the Product production system of Van Huben because customers need to know ship dates and be kept aware of any delays. The system of Beasley also shows a “just in time” system where

Art Unit: 2125

materials are delivered as needed in order to keep excess inventory away from the production lines. The availability of these materials would also lead to the adjustments shown in Beasley for the manufacturing capacity.

10. Claims 7, 14, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,864,875 to Van Huben et al as shown above and further in view of U.S. Patent No. 5,359,508 to Rossides.

11. Van Huben does not show an automatic deletion tool for expired part numbers.

12. The "cleanup" of databases for obsolete data is well known in the art. The Rossides patent shows a data collection system with a "deleting data function" in order to delete database information that is no longer needed (Col 12, lines 12-19).

13. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the data deleting function of Rossides to delete the excess/obsolete part numbers of Van Huben because it reduces the database size, resulting in a speed increase and increased usability.

14. Claims 4, 5, 11, 12, and 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,864,875 to Van Huben et al as shown above and further in view of U.S. Patent No. 4,847,761 to Ferriter et al.

15. Van Huben as shown above does not show where the bill of materials is modified and adapted as designing of said product progresses and that the manufacturing of sub-components can begin before said design is completed.

Art Unit: 2125

16. Ferriter shows an automated bill of materials that is made based upon the design as retrieved directly from a user. It clearly states in Column 6, lines 49-55 that this system can be used early in the design stage. This would infer that the design is not complete, yet individual components and sub-components can be designed individually for production.

17. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the automated bill of materials updating and design features of ferriter in the product creation and data management system of Van Huben because it would "help to identify those components or sub-components of the product which require more specification as to source or structure".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael D Masinick whose telephone number is (703) 305-7738. The examiner can normally be reached on Mon-Fri, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (703) 308-0538. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

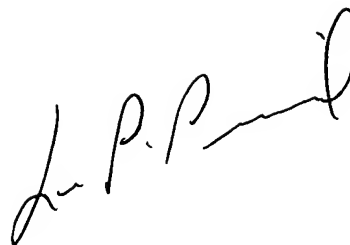
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

mdm

Application/Control Number: 10/064,531

Art Unit: 2125

Page 7

A handwritten signature in black ink, appearing to read 'L. Picard', written diagonally across the page.

LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100